

Quis

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case: 2:16-cr-20268
Judge: Leitman, Matthew F.
MJ: Grand, David R.
Filed: 04-14-2016 At 04:37 PM
SEALED MATTER (dat)

v.

VIO: 18 U.S.C. §§ 1347, 1349
21 U.S.C. §§ 841(a)(1), 846

D-1 MICHAEL WEISS
D-2 EDGARTEN HOWARD
D-3 CARLOS JOHNSON
D-4 RICKY EASLEY

Defendants.

INDICTMENT

THE GRAND JURY CHARGES:

General Allegations

From at least January 1, 2013, until April 17, 2015:

1. Medicare and Michigan Blue Cross Blue Shield (Blue Cross) were health care benefit programs under United States law.
2. Medicare and Blue Cross paid doctors and pharmacies, on behalf of covered participants, for medically necessary treatments and prescription drugs.

3. It was lawful for a doctor to prescribe a controlled substance, such as oxycodone or promethazine, only if the doctor was authorized to do so by the Drug Enforcement Administration, and only if the prescription was in good faith, for a legitimate medical purpose, and within the usual course of medical practice in the United States.
4. Defendant Michael Weiss was a doctor of osteopathic medicine, licensed to practice in the State of Michigan. Dr. Weiss used his medical license, and his Drug Enforcement Administration authorization, to provide medically unjustified prescriptions for oxycodone and other controlled substances, such as hydrocodone and promethazine, to persons who requested them, which prescriptions Dr. Weiss wrote in other than good faith and outside the course of usual medical practice in the United States.
5. Once or twice per month defendant EDGARTEN HOWARD used his Detroit home as a location at which Dr. Weiss provided medically unjustified controlled substance prescriptions, which prescriptions, as Mr. Howard well knew, Dr. Weiss wrote in other than good faith and outside the course of usual medical practice in the United States. Many of the persons seeking controlled substance prescriptions paid cash to Mr. Howard in exchange for access to Dr. Weiss at Mr.

Howard's home. Mr. Howard provided the majority of this cash to Dr. Weiss in exchange for Dr. Weiss writing the prescriptions.

6. At the request of Mr. Howard, Dr. Weiss provided Mr. Howard with prescriptions for controlled substances and other drugs, even though Dr. Weiss did not examine the person in whose name he wrote the prescriptions. Dr. Weiss sometimes provided these prescriptions to Mr. Howard at Dr. Weiss's medical office and sometimes at Mr. Howard's house. In every case, the controlled substance prescriptions Dr. Weiss provided to Mr. Howard were written not in good faith, without legitimate medical purpose, and outside the course of usual medical practice in the United States.
7. Defendant CARLOS JOHNSON was an unlawful buyer and seller of oxycodone and other controlled substances, all of which had value in the illegal drug market. Mr. Johnson paid persons to pretend to be "patients" of Dr. Weiss, in order to get controlled substance prescriptions from Dr. Weiss. In part, Mr. Johnson took these pretend patients to see Dr. Weiss at the home of Mr. Howard, and paid cash to Mr. Howard in exchange for Mr. Howard providing Mr. Johnson's pretend patients with access to Dr. Weiss. As Mr. Johnson well knew, Dr. Weiss prescribed oxycodone and other controlled substances not in good faith, without any legitimate medical justification, and outside the course of usual medical

practice in the United States, for the persons Mr. Johnson brought to the home of Mr. Howard. Those persons then provided either the controlled substance prescriptions or the controlled substances to Mr. Johnson. Mr. Johnson often took the prescriptions, which were in the names of other persons, to a pharmacy, or accompanied the patients to that pharmacy, where he paid cash to the pharmacist in order to get the prescriptions filled.

8. Mr. Johnson obtained oxycodone and other controlled substances based on the illegitimate prescriptions that Dr. Weiss provided to Mr. Johnson's pretend patients, and in other unlawful ways. Mr. Johnson then sold those controlled substances in the illegal drug market.
9. Defendant RICKY EASLEY was an unlawful buyer and seller of oxycodone and other controlled substances that had value in the illegal drug market. Mr. Easley paid persons to pretend to be "patients" of Dr. Weiss, in order to get controlled substance prescriptions from Dr. Weiss. In part, Mr. Easley took the pretend patients to see Dr. Weiss at the home of Mr. Howard, and paid cash to Mr. Howard in exchange for Mr. Howard providing Mr. Easley's pretend patients with access to Dr. Weiss. As Mr. Easley well knew, Dr. Weiss prescribed oxycodone and other controlled substances not in good faith, without any legitimate medical justification, and outside the course of usual medical practice

in the United States, for Mr. Easley and for the persons Mr. Easley brought to the home of Mr. Howard. Those persons then provided the controlled substance prescriptions to Mr. Easley.

10. Mr. Easley obtained oxycodone and other controlled substances based on the prescriptions that Dr. Weiss provided to Mr. Easley's pretend patients, and sold those controlled substances in the illegal drug market.

11. Defendants WEISS, HOWARD, JOHNSON, and EASLEY caused about 3800 claims for prescription medications, including controlled substances, to be submitted to Medicare in the names of people who received the prescriptions from Dr. Weiss through the activities described in these general allegations, which resulted in Medicare paying over \$250,000. Defendants WEISS, HOWARD, JOHNSON, and EASLEY also caused about 720 claims for prescription medications to be submitted to Blue Cross in the names of people who received the prescriptions from Dr. Weiss through the activities described in these general allegations, which totaled more than \$100,000 of requested payments and which resulted in actual payments of more than \$38,000. Dr. Weiss provided the great majority of these prescriptions for other than a legitimate medical purpose, and not in good faith or in accordance with medical practice that is accepted in the United States.

12. Dr. WEISS caused about 821 claims to be made to Medicare, for which he sought reimbursement of over \$56,000, and about 124 claims to Blue Cross, for which he sought reimbursement of about \$9000, for medical services he claimed to provide to patients. The claims were false, in that Dr. Weiss did not actually provide most or all of the services for which he sought reimbursement.

COUNT 1

(21 USC § 846)

Conspiracy to Distribute Controlled Substances

D-1 MICHAEL WEISS
D-2 EDGARTEN HOWARD
D-3 CARLOS JOHNSON
D-4 RICKY EASLEY

1. The general allegations are included in this count.
2. From about January 1, 2013, until about April 17, 2015, in the Eastern District of Michigan and elsewhere, defendants MICHAEL WEISS, EDGARTEN HOWARD, CARLOS JOHNSON, and RICKY EASLEY knowingly and willfully combined, conspired, and agreed with each other, and with other persons both known and unknown to the grand jury, unlawfully to distribute and to possess with intent to distribute Schedule II controlled substances oxycodone and oxymorphone, Schedule IV controlled substance alprazolam, and Schedule V controlled substance promethazine. The defendants

participated in this conspiracy well knowing that the prescriptions had been written outside the course of usual medical practice, not in good faith, and for no legitimate medical purpose.

All in violation of Title 21, United States Code, section 846.

COUNTS ~~2-24~~ 2-15, 17-24



(21 U.S.C. §§ 841(a)(1) & 846)

Unlawful Possession and Distribution of Controlled Substances

D-1 MICHAEL WEISS
D-2 EDGARTEN HOWARD
D-3 CARLOS JOHNSON
D-4 RICKY EASLEY

1. The general allegations are included in these counts.
2. On about the date listed for each count below, in the Eastern District of Michigan and elsewhere, the defendants named in each count knowingly and unlawfully distributed and attempted to distribute prescription controlled substances, including, but not limited to, the Schedule II drug oxycodone and the Schedule IV drug alprazolam, as further specified for each count below. The defendants distributed and attempted to distribute these prescription drug controlled substances well knowing that the prescriptions had been written outside the course of usual medical practice, not in good faith, and for no legitimate medical purpose.


All in violation of Title 21, United States Code, sections 841(a)(1) and 846.

Count	Defendant(s)	Prescription Number or Purported Patient(s)	Distribution Date	Controlled Substance(s)
2	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD	400057	December 21, 2013	90 30mg oxycodone tablets
3	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD	460021	May 31, 2014	90 30mg oxycodone tablets
4	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD	479086	August 4, 2014	90 30mg oxycodone tablets
5	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD	411419	October 3, 2014	90 30mg oxycodone tablets
6	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD D-4 RICKY EASLEY	418014	October 14, 2014	90 30mg oxycodone tablets
7	D-3 CARLOS JOHNSON		October 29, 2014	60 30mg oxycodone tablets
8	D-1 MICHAEL WEISS	467820	October 31, 2014	90 30mg oxycodone tablets

Count	Defendant(s)	Prescription Number or Purported Patient(s)	Distribution Date	Controlled Substance(s)
9	D-1 MICHAEL WEISS	431298	November 10, 2014	30 10mg oxycodone & acetaminophen tablets
10	D-3 CARLOS JOHNSON		January 14, 2015	75 alprazolam tablets
11	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD D-3 CARLOS JOHNSON	283799	January 30, 2015	90 30mg oxycodone tablets
12	D-1 MICHAEL WEISS	473512	January 30, 2015	90 30mg oxycodone tablets
13	D-3 CARLOS JOHNSON		February 19, 2015	90 30mg oxycodone tablets
14	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD D-4 RICKY EASLEY	420709	February 20, 2015	90 30mg oxycodone tablets
15	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD D-3 CARLOS JOHNSON	284588	February 20, 2015	90 30mg oxycodone tablets

Count	Defendant(s)	Prescription Number or Purported Patient(s)	Distribution Date	Controlled Substance(s)
17	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD D-3 CARLOS JOHNSON		February 27, 2015	90 30mg oxycodone tablets
18	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD	417123	March 22, 2015	90 30mg oxycodone tablets
19	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD D-4 RICKY EASLEY	474124	March 26, 2015	90 30mg oxycodone tablets
20	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD D-4 RICKY EASLEY		March 27, 2015	90 30mg oxycodone tablets
21	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD	418570	March 27, 2015	90 30mg oxycodone tablets
22	D-1 MICHAEL WEISS	451033	March 28, 2015	60 10mg oxycodone & acetaminophen tablets
23	D-1 MICHAEL WEISS	452897	April 11, 2015	60 10mg oxycodone & acetaminophen tablets

Count	Defendant(s)	Prescription Number or Purported Patient(s)	Distribution Date	Controlled Substance(s)
24	D-1 MICHAEL WEISS D-2 EDGARTEN HOWARD	DW, RR, CW, TR, NE, LG, NW	April 17, 2015	990 30mg oxycodone tablets and 240 40mg oxymorphone tablets

COUNTS 25-36 25-26, 28-36 

(18 U.S.C. §§ 1347, 1349)
Health Care Fraud

D-1 MICHAEL WEISS

1. The general allegations are included in these counts.
2. Defendant MICHAEL WEISS knowingly and willfully engaged in a scheme to defraud Medicare and Blue Cross from about January 1, 2013, through April 17, 2015. On about the date listed for each count below, in the Eastern District of Michigan, and elsewhere, Dr. Weiss knowingly and willfully carried out, and attempted to carry out, the scheme, and to obtain, by means of materially false and fraudulent representations, money that was owned by,

and under the custody and control of, Medicare and Blue Cross, in connection with the delivery of and payment for health care benefits, items, and services.

3. To carry out the scheme, Dr. Weiss provided unlawful and medically unnecessary controlled substance prescriptions, in part as an inducement to persons who came to him, or were brought to him by others, which persons had Medicare or Blue Cross health insurance.
4. To further carry out the scheme, Dr. Weiss knowingly submitted or caused the submission of claims to Medicare and Blue Cross, which claims were false, because they sought payment for services that he had not provided or caused to be provided by his employees, as specified for each count, below.

All in violation of Title 18, United States Code, Sections 1347 and 1349.

Count	Approximate Date of Claim	Health Care Benefit Program	Purported Patient Member Number	Amount of Claim	Description of Purported Service
25	August 23, 2013	Medicare	***2977A	\$185	Extensive office visit
26	May 31, 2014	Medicare	***3180A	\$195	Gonadotropin levels, urinalysis, and office visit

Count	Approximate Date of Claim	Health Care Benefit Program	Purported Patient Member Number	Amount of Claim	Description of Purported Service
28	August 4, 2014	Medicare	***2407A	\$135	Drug screen & office visit
29	October 31, 2014	Blue Cross	***7114	\$175	Drug screen & office visit
30	December 2, 2014	Medicare	***8978A	\$100	Electrocardiogram, urinalysis, and office visit
31	December 4, 2014	Medicare	***8532A	\$145	Gonadotropin level, urinalysis, and office visit
32	January 5, 2015	Medicare	***141C3	\$85	Office visit
33	January 30, 2015	Blue Cross	***7006	\$250	New patient office visit
34	January 30, 2015	Medicare	***8978A	\$305	Ultrasound, electrocardiogram, urinalysis, and office visit
35	February 27, 2015	Medicare	***8532A	\$165	Intermediate office visit

Count	Approximate Date of Claim	Health Care Benefit Program	Purported Patient Member Number	Amount of Claim	Description of Purported Service
36	February 27, 2015	Blue Cross	***7006	\$165	Intermediate office visit

THIS IS A TRUE BILL.

s/Grand Jury Foreperson

BARBARA L. MCQUADE
United States Attorney

s/Wayne Pratt
Unit Chief,
Health Care Fraud Section

s/Lynn Helland
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Dated: APRIL 14, 2016

ORIGINALUnited States District Court
Eastern District of Michigan**Criminal Case Co**Case: 2:16-cr-20268
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to c

Reassignment/Recusal Information

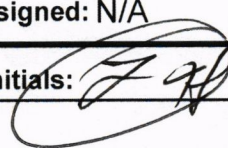
This matter was opened in the U.S. District Court for the Eastern District of Michigan

Companion Case Information

Companion Case Number: N/A

This may be a companion case based upon LCrR 57.10 (b)(4)¹:

Judge Assigned: N/A

☐ Yes☒ NoAUSA's Initials: Case Title: USA v. MICHAEL WEISS, et. al.County where offense occurred : WayneCheck One: ☒ Felony☐ Misdemeanor☐ Petty☐ Indictment/ ☐ Information --- no prior complaint.☒ Indictment/ ☐ Information --- based upon prior complaint [Case number: 15-30536]☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information**

Superseding to Case No: _____ Judge: _____

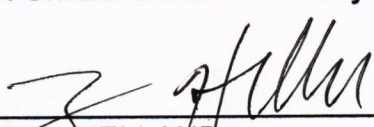
- ☐ Original case was terminated; no additional charges or defendants.
- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant nameChargesPrior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

April 14, 2016

Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.